

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs)
)
)
ROSEMARY HERNANDEZ,)
)
)
Defendant.)

Case No. 4:05CR3093

**MEMORANDUM
AND ORDER**

At the request of counsel, I conducted a telephone conference with them on January 4, 2006. Counsel for the government (Lynnett Wagner) informed me that she had recently disclosed to counsel for the defendant (Adam Sipple) information suggesting that defense counsel may have a conflict of interest.

After a thorough discussion, and upon my own motion, but without objection by the lawyers,

IT IS ORDERED that:

1. This case is removed from the trial docket until further order of the court. The time between today's date and the new trial date is excluded from computation under the Speedy Trial Act in the interests of justice and to allow defense counsel time to assess whether he has a conflict of interest that requires his withdrawal. 18 U.S.C. § 3161(h)(8)(A)&(B).
2. No later than February 1, 2006, Mr. Sipple shall either file a motion to withdraw or file a notice that he does not intend to file a motion to withdraw.

3. My chambers shall call this case to my attention on February 2, 2006 or upon the filing of a motion to withdraw or notice declining to file a motion to withdraw, whichever first occurs. At that time, I will issue another rescheduling order.

January 4, 2006.

BY THE COURT:

s/Richard G. Kopf
United States District Judge